

	<p align="center">DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p align="center">Air & Waste Management Bureau Air Compliance Section</p> <p align="center">GUIDANCE STATEMENT</p>	Effective Date: October 1, 2003
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		Manual Section: #6 Compliance Data Reporting
<p>Title: Compliance Certifications for Operating Permits & Synthetic Minors</p> <p>Applicability: For all operating permits issued under ARM 17.8.12</p> <p>Title, Date & Author of Superseded Guidance or Policy Statement (if any): None</p>		

The purpose of this guidance statement is to provide a template for submittal of uniform and consistent compliance certifications; to clarify the minimum level of information needed to demonstrate compliance, and to promote consistent reviews and accurate compliance determinations by Department staff. Additionally, the guidance is intended to assist regulated facilities in completing the compliance certifications, as required by the conditions in the facilities' operating permits and the Montana operating permit rules. The requirements for compliance certifications are codified in Title 17, Chapter 8, Subchapter 12, of the Administrative Rules of Montana (ARM 17.8.12), specifically ARM 17.8.1213. The use of the reporting formats displayed in this guidance document is voluntary, but the Department strongly encourages their use to promote uniform and consistent compliance reviews. This guidance is also intended to assist certain sources with the compliance certification of their "synthetic minor" status as required by their air quality permits.

Certification by Responsible Official

Each compliance and synthetic minor certification must contain a certification of truth, accuracy, and completeness and the "responsible official", **as designated in the company's permit application**, must sign it. The proper compliance certification statement is defined in ARM 17.8.1207, and the following language, exactly, must be included in the compliance and synthetic minor certifications: ***"based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete"*** (see Figures 1 & 2). Failure to include this language will result in the Department's disapproval of the compliance or synthetic minor certification. The definition of a responsible official can be found in ARM 17.8.1201(29). If there is a change in the designation of a responsible official, the company must notify the Department as soon as possible, and submit a request for an administrative amendment to their operating permit (if applicable) for the designation of a new responsible official. Failure to have the report signed by the correct, responsible official will result in the Department's disapproval of the compliance or synthetic minor certification, except in extraordinary circumstances, e.g. the recent death or employment termination of the responsible official. Each affected facility is encouraged to use a certification form similar to the ones developed by the Department (see Figures 1 & 2). The forms can be found at: <G:\awm\aqcompli\forms\TV_Comp_Cert_Form.doc and SM_Comp_Cert_Form.doc>, or on the website at <http://www.deq.state.mt.us/index.asp>.

Public Documents and Confidential Information

All information submitted to the Department, except that which meets the "trade secrets" test as defined in 75-2-105 MCA, is considered public information, and this includes all the information submitted as part of the compliance certification.

Regulatory Requirements of Compliance Certifications

In summary, the operating permit regulations require the following four elements to be included in the compliance certifications (refer to ARM 17.8.1213(7)(c) for the complete rule text):

- Identification of the permit terms and conditions
- Identification of the compliance determining method(s)
- Status of compliance with permit terms and conditions, including whether compliance was continuous or intermittent, and any deviations
- Other compliance determining facts

Identification of Permit Terms and Conditions

The Montana operating permit rules require every compliance certification to identify each term or condition of the operating permit that is the basis of the certification [ARM 17.8.1213(7)(c)]. The Department interprets this requirement to mean that the compliance certifications must identify **each and every** condition that's contained in an operating permit. This includes the "general conditions" section of an operating permit.

The Department realizes that, depending on the method employed, this could result in the submittal of voluminous amounts of paper. This is one reason why the Department developed the reporting formats outlined in this guidance document. These suggested reporting tables are based on the summary tables that are found in each operating permit. The summary tables can be "copied" from the electronic version of each permit, then "pasted" into the electronic version of each compliance certification document, and modified to comply with the compliance certification requirements (see Tables 1 & 2). In the attached tables, the column entitled "Condition" satisfies the minimum requirement to identify the permit term or condition. The other columns, entitled "Rule Citation", "Rule Description", "Pollutant/Parameter", "Reporting Requirements", "Compliance Testing", and "Limit" are included because, in the Department's opinion, their inclusion greatly facilitates an understanding of the compliance certification. The "general conditions" section of the operating permits does not include a summary table of applicable requirements. For the general conditions section, each facility is encouraged to use a reporting table similar to the one developed by the Department (see Table 3).

Identification of the Compliance Determining Method(s)

The Montana operating permit rules and the operating permits require that the compliance certification identify the method(s) used to determine the compliance status for each term and condition in a facility's operating permit. This information is generally found in the summary tables for each emitting unit listed in the operating permit. A company may elect to footnote and explain in more detail the method(s) used to determine compliance.

The current version (as of 10-1-2003) of the Montana operating permit rules, and some of the operating permits, require that the compliance certification state whether the methods used to determine the compliance status for **each term and condition** in a facility's operating permit provide "continuous" or "intermittent" data. However, this requirement in the Montana operating permit rules will be revised in December 2003. As a result of litigation, the United States Environmental Protection Agency (EPA) revised the Federal operating permit (a.k.a. Title V) rules in June 2003. Under EPA's approval, the Montana operating permit rules must be at least as stringent as the Federal rules; thus, the need for the latest revision to the Montana operating permit rules scheduled to take effect in December 2003.

As a result of the December, 2003, revision to the rules, the Department will have to update the compliance certification language in those operating permits which require that the compliance certification state whether

the methods used to determine the compliance status for **each term and condition** in a facility's operating permit provide "continuous" or "intermittent" data. These updates will be made at permit renewal, or as part of an administrative amendment, minor modification, or significant modification to the permit. The updated permit requirements will reflect the requirements of ARM 17.8.1213(7)(c) as codified in the post – December, 2003, version of the rules. However, until these changes are made, a facility must comply with the language in its current operating permit as well as with the current version of the air quality rules.

Therefore, until the compliance certification requirements in their permits are updated, some companies will have to state in their compliance certifications, for **each permit term or condition**, whether the method(s) of determining compliance provides continuous data or intermittent data. In the example table, this is the intended use of the extra column entitled "Compliance Data – Continuous or Intermittent." The Department recommends using a simple statement of "Continuous" or "Intermittent", meaning, "continuous data is provided by this method of determining compliance" or "intermittent data is provided by this method of determining compliance", respectively. A company should define what it means by continuous or intermittent data. For example, a company could state that no method yields continuous data because even a CEMS (continuous emissions monitoring system) has periods of missing data for audits, repair, maintenance, and calibrations.

Status of Compliance – In or Out and Continuous or Intermittent

The Montana operating permit rules require a statement of the compliance status for **each term and condition** in a facility's operating permit. The Department recommends a simple statement of "IN" or "OUT", meaning "in compliance" or "out of compliance", respectively, for a particular permit term or condition. A company must report any "compliance deviations" or periods of non-compliance with permit terms or conditions in their compliance certification. A company may elect to footnote these deviations and explain them here or they may footnote the deviations and reference reports previously submitted to the Department.

As discussed above, some operating permits require a statement of whether the compliance determining method(s) provide continuous data or intermittent data for each term and condition in the facility's operating permit. This requirement is based on the current operating permit rules, but those rules will be revised in December, 2003. After the revisions, the operating permit rules will require a statement of whether compliance was continuous or intermittent. The compliance certification language in the operating permit rules and a facility's operating permit will read: **"Compliance certifications shall include the following: ... the status of compliance with each term or condition for the period covered by the certification, including whether compliance during the period was continuous or intermittent "**. In the examples, this is the intended use of the column entitled "Compliance – Continuous or Intermittent." The Department recommends using a simple statement of "Continuous" or "Intermittent", meaning "continuous compliance" or "intermittent compliance", respectively. A company should footnote and explain any periods of intermittent compliance. A company may also insert a general statement in the compliance certification that explains what is meant by the terms "intermittent compliance" and "continuous compliance".

As operating permits are renewed (or altered for an administrative amendment, minor modification, or significant modification), the Department will update compliance certification language in permits to reflect requirements of ARM 17.8.1213(7)(c) as it will be codified in the upcoming December, 2003, revisions. However, a facility must comply with all conditions in their operating permit and with the latest version of air quality rules. A situation could exist where a facility would have to submit a "dual compliance certification" because requirements in their operating permit do not match requirements in the operating permit rules. In this case, for example, the facility would need to submit a compliance certification that includes continuous, versus intermittent, designations for both the compliance determining methods and for compliance status, both for **each term and condition** in their operating permit. Obviously, it's to a company's advantage to update the compliance certification language in their operating permit so it matches new language in the December, 2003, revisions to the operating permit rules. The simplest procedure is for a company to request an administrative amendment to their operating permit. These requests must be submitted **in writing and signed by the responsible official**.

Air Quality Operating Permit Compliance Certification

A. Facility Identification

Facility or Company Name: _____

Montana Operating Permit Number: _____

Mailing Address (Street or P.O. Box): _____

City: _____ State: _____ Zip Code: _____ - _____

Contact Person: _____ Title: _____

Telephone: _____ E-mail: _____

B. Reporting Period

(The reporting period should be the one-year, or shorter, period required by your operating permit. It will be assumed that the reporting period begins and ends at Midnight (12 A.M.) local time on the dates reported, unless specified otherwise.)

Period beginning: _____ Period ending: _____

C. Responsible Official (R.O.) Identification

(as designated in the facility's operating permit)

Last Name: _____ First: _____ M.I.: _____

Title: _____

Mailing Address (Street or P.O. Box): _____

City: _____ State: _____ Zip Code: _____ - _____

Telephone: _____ E-mail: _____

D. Certification of Truth, Accuracy, and Completeness

(the R.O. must sign this statement after the report has been completed)

I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained herein are true, accurate, and complete.

R.O. Signature: _____ Date: _____

Figure 1. Compliance Certification Signature Page

Annual Synthetic Minor Compliance Certification

A. Facility Identification

Facility or Company Name: _____

Montana Air Quality Permit Number: _____

Mailing Address (Street or P.O. Box): _____

City: _____ State: _____ Zip Code: _____ - _____

Contact Person: _____ Title: _____

Telephone: _____ E-mail: _____

B. Reporting Period (The reporting period should be the one-year, or shorter period, required by your air quality permit. It will be assumed that the reporting period begins and ends at Midnight (12 A.M.) local time on the dates reported, unless specified otherwise.)

Period beginning: _____ Period ending: _____

C. Responsible Official (R.O.) Identification (as designated in the air quality permit application)

Last Name: _____ First: _____ M.I.: _____

Title: _____

Mailing Address (Street or P.O. Box): _____

City: _____ State: _____ Zip Code: _____ - _____

Telephone: _____ E-mail: _____

D. Synthetic Minor Certification of Truth, Accuracy, and Completeness (the R.O. must sign this statement after the report has been completed)

The annual air emissions from <**FACILITY NAME**> are below the threshold that would require this facility to obtain an air quality operating permit as required in ARM 17.8.1204(3)(b). I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained herein are true, accurate, and complete.

R.O. Signature: _____ Date: _____

Figure 2. Annual Synthetic Minor Certification Signature Page

Table 1. Example Reporting Format for the Facility-wide Conditions

Certification of Facility-wide Conditions in Operating Permit #XXXX-YY									
Emitting Unit	Condition(s)	Rule Citation	Rule Description	Pollutant / Parameter	Limit	Compliance Status (In or Out)	Compliance – Continuous or Intermittent	Method of Determining Compliance	Compliance Method Data – Continuous or Intermittent
Facility Wide	A.1.	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%	IN	Intermittent (or Continuous) ²	Visual Survey	Intermittent
Facility Wide	A.2.	ARM 17.8.308(1)	Particulate Matter, Airborne	Opacity	20%	IN	Intermittent	Visual Survey	Intermittent
Facility Wide	<i>Continues</i>	<i>Until</i>	<i>The</i>	<i>End</i>	<i>Of</i>	<i>The</i>	<i>Facility-wide</i>	<i>Conditions</i>	<i>Section...</i>
Facility Wide	A.xx.	ARM 17.8.324(3)	Hydrocarbon Emissions, Petroleum Products	Gasoline Storage Tanks	---	IN	Continuous	All tanks have permanently installed submerged fill pipes	Continuous
Facility Wide	A.xy.	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	---	IN ¹	Intermittent	Submission of reports by deadlines	Intermittent
Facility Wide	A.xz.	ARM 17.8.1207	Reporting Requirements	Annual Certification	---	IN	Intermittent	Submission of annual certification report	Intermittent

¹ All reports submitted on time except for the 2nd quarter 2002 Method 9 reports for EU034 – EU038 that were submitted on 9/17/02 rather than within 60 days of the test.

² Intermittent or Continuous with appropriate explanatory footnotes, e.g., visual surveys provide data on an intermittent basis, therefore, compliance can only be ascertained on an intermittent basis.

Table 2. Example Reporting Format for the Emitting Unit Conditions

Certification of Conditions by Emitting Unit(s) in Operating Permit #XXXX-YY										
Emitting Unit(s)	Condition(s)	Pollutant / Parameter	Limit	Method of Determining Compliance		Reporting Requirements	Compliance Testing	Compliance Status (In or Out)	Compliance – Continuous or Intermittent	Compliance Data – Continuous or Intermittent
				Method	Frequency					
EU001	B.3, B.8, B.13, B.16	Landfill Gas to Flare	8.64 x 10 ⁵ scf/day	Log and recording charts ¹	Continuous ¹	Semi-annual	Flowmeter	IN	Continuous ¹	Continuous ¹
EU0024 – EU0033	H.1, H.4, H.5, H.9, H.12, H.13	Opacity	20%	Method 9	As required by DEQ	Semi-annual	None required by DEQ this period	IN	Intermittent	Intermittent
EU0024 – EU0033	H.1, H.4, H.5, H.9, H.12, H.13	Opacity	20%	Visual Survey	Daily	Semi-annual	Conducted Daily ²	IN ²	Intermittent	Intermittent
<i>EUxxx</i>	<i>Continues</i>	<i>Until</i>	<i>The</i>	<i>End</i>	<i>Of The</i>	<i>Section</i>	<i>With</i>	<i>Emitting</i>	<i>Unit</i>	<i>Conditions</i>
EU001 – EU003	B.2, B.7, B.13, B.17, B.19, B.20, B.21	Particulate Matter – Fuel Burning	4.0 lb/hour	EPA Method 5	Every 4 years	Semi-annual	6-7 Feb. 2001 ³	IN	Continuous	Intermittent
EU04 FCC Unit	E.5, E.10, E.14, E.16	Sulfur limit in fuel gas feed to preheater	160 ppm S by volume – dry basis	Gas chromatograph	Weekly	Quarterly	In-house lab ⁴	IN	Continuous	Intermittent

¹ The landfill gas (LFG) flow rate (in scf/min) to the flare is continuously monitored via electronic means and continuously displayed (on the monitor's touchscreen. The data is stored electronically on a computer diskette every 15 minutes. Calibration logs for the thermocouple, flowmeter, and data recorder are maintained on-site. The LFG daily volume is totaled electronically and has not exceeded the daily limit of 8.64 x 10⁵ scf. The LFG data can be retrieved from the diskette and be printed out in graph form.

² In compliance with the following exception: the daily observation was not recorded on a single day during the Jan. – June 2002 period.

³ The source test report was submitted to DEQ on 16 March 2001.

⁴ The test results are submitted to DEQ on a quarterly basis.

Table 3. Example Reporting Format for the General Permit Conditions

Certification of General Permit Conditions in Operating Permit #XXXX-YY						
Condition	Rule Citation	Rule Description	Compliance Status (In or Out)	Compliance – Continuous or Intermittent	Method(s) of Determining Compliance	Compliance Method Data – Continuous or Intermittent
V.A.	ARM 17.8.1206 & 17.8.1210	Compliance Requirements	IN	Continuous	Recordkeeping, Compliance with all terms & conditions of the operating permit	Intermittent
V.B.	ARM 17.8.1207 & 17.8.1213	Certification Requirements	IN	Continuous	Recordkeeping; annual compliance certifications & all reports & applications are certified by the R.O.	Intermittent
V.C.	ARM 17.8.1214	Permit Shield	IN	Continuous	Recordkeeping	Intermittent
V.D.	ARM 17.8.1212	Monitoring, Recordkeeping, and Reporting Requirements	OUT ¹	Intermittent	Maintenance of compliance monitoring records for at least 5 years; submission of all monitoring reports by the required dates	Intermittent
V.E.	ARM 17.8.1212	Prompt Deviation Reporting	IN	Continuous	Recordkeeping and reporting of all deviations from operating permit conditions according to the deadlines required by the OP or by the “Malfunction Rule” in ARM 17.8.110	Intermittent
V.F.	ARM 17.8.1201 & 17.8.1214	Emergency Provisions	IN	Continuous	Recordkeeping	Intermittent
V.G.	ARM 17.8.1213	Inspection & Entry	IN	Continuous	Grant entry & inspection privilege, as requested	Intermittent
V.H.	ARM 17.8.1210 & 17.8.505	Fee Payment	IN	Continuous	Payment of the proper application and operating fees	Intermittent
V.I.	ARM 17.8.1226	Minor Permit Modification	IN	Continuous	Information supplied as required	Intermittent
V.J.	ARM 17.8.1224	Changes not requiring Permit Revision	IN	Continuous	Recordkeeping, written notification submitted, only allowable changes implemented	Intermittent
V.K.	ARM 17.8.1227	Significant Permit Modifications	IN	Continuous	Submission of proper written materials and recordkeeping	Intermittent
V.L.	ARM 17.8.1228	Reopening for Cause	IN	Continuous	Not applicable to date; recordkeeping	Intermittent
V.M.	ARM 17.8.1205 & 17.8.1210 & 17.8.1220	Permit Expiration and Renewal	IN	Continuous	Not applicable to date – renewal procedures will be followed at the appropriate time	Intermittent
V.N.	ARM 17.8.1210	Severability Clause	IN	Continuous	Not applicable, no appeals to date	Intermittent
V.O.	ARM 17.8.1225	Transfer or Assignment of Ownership	IN	Continuous	Not applicable, no appeals to date	Intermittent

Certification of General Permit Conditions in Operating Permit #XXXX-YY						
Condition	Rule Citation	Rule Description	Compliance Status (In or Out)	Compliance – Continuous or Intermittent	Method(s) of Determining Compliance	Compliance Method Data – Continuous or Intermittent
V.P.	ARM 17.8.1226	Emissions Trading, Marketable Permits, Economic Incentives	IN	Continuous	Not applicable, no trading to date	Intermittent
V.Q.	ARM 17.8.1210	No Property Rights Conveyed	IN	Continuous	Recordkeeping	Intermittent
V.R.	ARM 17.8.105	Testing Requirements	IN	Continuous	All source tests conducted as requested by DEQ, and Recordkeeping	Intermittent
V.S.	ARM 17.8.106	Source Testing Protocol	IN	Continuous	All source testing conducted in accordance with the requirements of the MT Source Testing Protocol and Procedures Manual; Recordkeeping	Intermittent
V.T.	ARM 17.8.110	Malfunctions	IN	Continuous	All failures of air pollution control equipment have been reported to DEQ by the required deadlines; Recordkeeping	Intermittent
V.U.	ARM 17.8.111	Circumvention	IN	Continuous	Recordkeeping	Intermittent
V.V.	ARM 17.8.315	Odors	IN	Continuous	Not applicable – rule has been repealed	Continuous
V.W.	ARM 17.8.325	Motor Vehicles	IN	Continuous	All company motor vehicles retain their original air pollution control equipment and the equipment is maintained in proper working order	Continuous
V.X.	ARM 17.8.505	Annual Emission Inventory	IN	Continuous	Information submitted annually, as requested	Intermittent
V.Y.	ARM 17.8.604, 17.8.605 & 17.8.606	Open Burning	IN	Continuous	Open burning permits applied for as needed, and all open burning conducted in accordance with the rules and the daily ventilation forecasts	Intermittent
V.Z.	ARM 17.8.705, 17.8.708 & 17.8.733	Preconstruction Permits	IN	Continuous	Permit applications and de minimis notifications are submitted per the rules on an as needed basis; Recordkeeping	Intermittent
V.AA.	40 CFR 61, Subpart M	Asbestos NESHAPS	IN	Continuous	No abatement activities for the period; Recordkeeping	Intermittent
V.BB.	ARM 17.74.3 & 17.74.4	State Asbestos Rules	IN	Continuous	No abatement activities for the period; Recordkeeping	Intermittent
V.CC.	40 CFR 82, Subpart B	Stratospheric Ozone Protection – Motor Vehicle Air Conditioner Service	IN	Continuous	All air conditioning units in company motor vehicles are serviced with the proper equipment and maintained in proper working order, OR the air conditioning units in company motor vehicles are serviced and maintained by an outside vendor; Recordkeeping	Intermittent

Certification of General Permit Conditions in Operating Permit #XXXX-YY						
Condition	Rule Citation	Rule Description	Compliance Status (In or Out)	Compliance – Continuous or Intermittent	Method(s) of Determining Compliance	Compliance Method Data – Continuous or Intermittent
V.DD.	40 CFR 82, Subpart F	Stratospheric Ozone Protection – Recycling and Emissions Reductions	IN	Continuous	All service work on refrigeration units, except motor vehicles, is performed in accordance with the requirements of 40 CFR 82, Subpart F; Recordkeeping	Intermittent
V.EE.	MT SIP, Chapter 9.7	Emergency Episode Plan	IN	Continuous	Emergency Episode Action Plan has been submitted to DEQ OR an Emergency Episode Action Plan is not required because the facility is not located in a Priority I Air Quality Control Region	Intermittent
V.FF.	N/A	Definitions	IN	Continuous	As noted	Continuous

¹ Not all of the compliance monitoring records include references to the date, defining permit condition, or the time of sampling or measurement. The facility will implement changes to comply with this requirement ov